IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.1004 OF 2007

1. Suryakant Chandrakant More
2. Santosh Chandrakant More
3. Nayan Sudam Ratate
4. Rohidas Keshav Bhokate
5. Parshuram Tukaram Ratate
All r/o Dhatav, Tal.Roha Dist.Raigad ..Applicants

Vs.

State of Maharashtra ..Respondents

...

Mr.A.P.Mundargi senior advocate with Mr.Ganesh Gole Advocate for Applicants
Mr.Rajesh More A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : APRIL 13, 2007

P.C.

1. Heard Mr.Mundergi, the learned senior advocate for the applicants and the learned A.P.P. for the State.

2. The applicants are anticipatory seeking bail in C.R.No.32 of 2007 of Roha Police Station, Dist.Raigad. The said case is mainly under Sections 395 and 397 of IPC.

3. On the day of the incident there was election. The witnesses and the accused persons belong to opposite political parties. It is the prosecution case that when the complainant was returning home with one Vishwas, the present applicants and co-accused stopped autorickshaw of complainant Tukaram and assaulted him by fist blows. One of the accused persons is also said to have assaulted Vishwas with chopper. In the said incident, one gold chain and mobile came to be robbed and damage was caused to the autorickshaw in which the complainant was travelling. The value of the stolen goods was Rs.6500/- and damage to the rickshaw of Rs.1000/- was caused. In the said incident, Tukaram received one abrasion on his left elbow and witness Vishwas sustained one laceration on the left forearm. The injuries were simple in nature and no witness has stated as to who used the chopper.

4. The learned counsel for the applicant states that without prejudice to the rights and contentions of these applicants, the applicants are willing to deposit an amount of Rs.7500/- with the Investigating Officer and he may hand over the same

to the complainant and Vishwas and the applicants will not seek return of the said amount at any time. In such circumstances, in my view, the custody of the applicants would not be necessary. The applicants to deposit the said amount with the Investigating Officer within 15 days from today. The amount to be disbursed by the Investigating Officer to the complainant and Vishwas as per the details given in the FIR. It is made clear that the act of the applicants depositing the amount of Rs.7500/- shall not be construed as the applicants admitting their guilt or their complicity in the crime in any manner.

5. In the event of arrest, each of the applicants to be released on bail in the sum of Rs.25,000/- (Rs.Twenty five thousand only) with one or two sureties to make up the said amount in C.R.No.32 of 2007 of Roha Police Station. The applicants shall report to the concerned police station once in a week till the conclusion of trial.

6. Application is disposed of.

[Smt.V.K.Tahilramani, J.]